

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

07-cr-141-bbc-02

LAWRENCE L. HENRICKSON,

Defendant.

A hearing on the probation office's petition for judicial review of Lawrence L. Henrickson's probation was held on September 15, 2009, before United States District Judge Barbara B. Crabb. The government appeared by Assistant United States Attorney Grant C. Johnson. Defendant was present in person and by counsel, Pablo Carranza. Also present was Assistant Deputy Chief U.S. Probation Officer Paul J. Reed.

From defendant's stipulations, I make the following findings of fact.

FACTS

Defendant was sentenced in the Western District of Wisconsin on April 8, 2008, following his conviction for possession and distribution of counterfeit reserve notes. This offense is a Class C felony. He was sentenced to 36 months' probation.

Defendant began his term of probation on April 8, 2008. On July 11, November 21, and November 28, 2008, and June 17 and July 20, 2009, he consumed alcohol in violation

of Special Condition No. 4 of his probation requiring him to abstain from the use of alcohol.

Defendant's conduct falls into the category of a Grade C violation. Section 7B1.3(a)(2) of the advisory guidelines provides that the court may revoke probation, extend the term of probation or modify the conditions of probation upon a finding of a Grade C violation.

CONCLUSIONS

Defendant's violations warrant revocation. Accordingly, the 36-month term of probation imposed on defendant on April 8, 2008, will be revoked.

Defendant's criminal history category is II. With a Grade C violation, defendant has an advisory guideline term of imprisonment of 4 to 10 months. The statutory maximum to which defendant can be sentenced upon revocation is not more than 20 years, based on his placement on probation for a Class C felony.

After reviewing the non-binding policy statements of Chapter 7 of the Sentencing Guidelines, I have selected a sentence below the guideline range. The intent of this sentence is to hold defendant accountable for his violations while providing him a treatment setting to address his addiction to alcohol.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on April 8, 2008, is REVOKED and defendant is committed to the custody of the Bureau of

Prisons for a term of one day. I order that one day of credit be given for time served for defendant's appearance today. A 30-day term of supervised release shall follow imprisonment and all standard and special conditions of probation previously imposed and not otherwise satisfied shall remain in effect with the addition of Special Condition No. 7 requiring defendant to participate in inpatient substance abuse treatment for a period of 21 days, beginning on September 21, 2009, at Fahrman Center, in Eau Claire, Wisconsin.

Defendant does not have the financial means or earning capacity to pay the cost of his confinement at the Fahrman Center.

Entered this 15th day of September 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
Chief U.S. District Judge